**No. 22-4242**

---

## IN THE UNITED STATES COURT OF APPEALS
## FOR THE FOURTH CIRCUIT

---

**ZACKARY ELLIS SANDERS,**

*Defendant-Appellant*.

**v.**

**UNITED STATES OF AMERICA,**

*Plaintiff-Appellee*.

---

Appeal from the United States District Court
for the Eastern District of Virginia (No. 1:20-cv-00143-TSE)

---

## APPELLANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO MOVE FOR RECONSIDERATION *EN BANC*

---

Lawrence S. Robbins
FRIEDMAN KAPLAN SEILER
 ADELMAN & ROBBINS LLP
7 Times Square
New York, NY 10036-6515
Tel.: (212) 833-1100

4872-1451-1568.2

Pursuant to Fed. R. App. P. 26(b), Fed. R. App. P. 40(a)(1) and Fourth Circuit Rule 40(c), Appellant Zackary Sanders respectfully moves for a 30-day extension of time to seek reconsideration *en banc* of the Court's July 9, 2024 decision.  (ECF 76.)  Pursuant to Local Rule 27(a), Appellant has conferred with Appellee, which does not oppose this motion.

## I.      Background

Appellant filed his opening brief on June 16, 2022.  (ECF 12.) Appellee filed its brief on July 28, 2022.  (ECF 24.)  Appellant filed his reply brief on August 22, 2022.  (ECF 29.)  The Court held oral argument on March 22, 2024. (ECF 73.)  The Court published its decision and entered judgment on July 9, 2024. (ECF 76-77.)  The current deadline for any party to seek reconsideration *en banc* is July 23, 2024.  *See* Fed. R. App. P. 40(a)(1).

## II.     Good Cause Exists for the Requested Extension

Good cause exists for granting the extension from July 23, 2024 to August 22, 2024, due to the "serious illness" of the undersigned counsel.  *See* Fed. R. App. P. 26(b); Local R. 40(c).

In early April 2024, the undersigned counsel – who represented Appellant in connection with the appeal to this Court – was hospitalized for atrial fibrillation and heart failure.  Counsel was subsequently hospitalized again in early May 2024 for heart failure, kidney disease, and related hematologic

2

issues.  Counsel was only just discharged from that more recent, nearly 2-month hospital stay on June 28, 2024, and is undergoing intensive physical and occupational therapy.

In light of the serious illness of counsel, Appellant respectfully requests a 30-day extension of the deadline to seek reconsideration *en banc* to August 22, 2024 or another date acceptable to the Court.  This extension of time is sought so that justice may be done in the disposition of this case and not for purposes of delay.  As noted above, Appellee does not oppose this request.

## PRAYER

For these reasons, Appellant respectfully requests that his unopposed motion for extension of time be granted and that the time for filing any request for reconsideration *en banc* of the Court's July 9, 2024 decision be extended to August 22, 2024 or another date acceptable to the Court.

Dated:  July 15, 2024

Respectfully submitted,

 */s/ Lawrence S. Robbins*
Lawrence S. Robbins
FRIEDMAN KAPLAN SEILER
 ADELMAN & ROBBINS LLP
7 Times Square
New York, NY 10036-6515
Tel.: (212) 833-1100
lrobbins@fklaw.com

3

4872-1451-1568.2

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2024, I electronically transmitted the attached document to the Clerk of the Court of the Fourth Circuit Court of Appeals using the ECF System of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*/s/ Lawrence S. Robbins*

Lawrence S. Robbins

**CERTIFICATE OF COMPLIANCE**

1.  This motion complies with the type-volume limitation of FED. R. APP. P. 27(d)(2)(A) because it contains 363 words, excluding the parts of the motion exempted by FED. R. APP. P. 32(f).

2.  Pursuant to FED. R. APP. P. 27(d)(1)(E), this motion complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type style requirements of FED. R. APP. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

*/s/ Lawrence S. Robbins*

Lawrence S. Robbins